

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10527 of 2007(S)

OA.588/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH
.....

PETITIONER:

1. UNION OF INDIA, REPRESENTED BY THE
JOINT SECREARY (CPV) AND THE CHIEF PASSPORT OFFICER
MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA,
NEW DELHI.
2. THE DEPUTY SECRETARY (PV),
MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA, NEW DELHI.
3. THE PASSPORT OFFICER,
PASSPORT OFFICE, KOZHIKODE.

BY ADV. SRI JOHN VARGHESE, ASSISTANT SG

RESPONDENTS:

M.RAVEENDRAN NAIR, S/O.LATE
P.A.GOPALAKURUP, GROUP.D. WATCHMAN, PASSPORT
OFFICE, KOZHIKODE, RESIDING AT MEPRAVEETIL,
CIVIL STATION, KOZHIKODE 20.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

W.P.(C).NO.10527 of 2007-S

Dated this the 27th day of March, 2007

JUDGMENT

T.R. Ramachandran Nair, J.

The petitioners are challenging Ext.P2 order of the Central Administrative Tribunal, Ernakulam Bench whereby the Tribunal held that the applicant before the Tribunal is entitled to get his pay fixed on his regular appointment in the scale of pay of Rs.2550-3200 after counting increments earned by him during his service as temporary status casual labourer. A consequent direction was issued to refix his pay after taking into account the increments drawn by him as temporary status casual labourer and grant him the consequential benefits within a time frame.

2. The respondent herein who is an Ex-serviceman joined the Passport Office, Kozhikode on daily wages and was granted temporary status in the year 1993. While he was working as a temporary status casual labourer, he had been drawing salary in the pay scale of Rs.2550-3200 in the stage of Rs.3020/- after getting 8 increments. As per Annexure A2, he was appointed as a regular Group D Watchman. But his pay was fixed only at Rs.2550/- in the minimum of the pay scale of Rs.2550-3200. All the

representations submitted by him to restore the position have been rejected.

3. The Tribunal relied upon the earlier orders in O.A. No.606/2001 filed by another employee of the Kozhikode Passport Office which followed the order of the Hyderabad Bench of the Tribunal in O.A. No.1051/1998. The order passed in O.A. No.606/2001 has been upheld by this court by judgment dated 15.2.2002 in O.P.No.4400/2002. The Tribunal also relied upon the judgment of this court in O.P.No.13244/2001 which was against the order of the Tribunal in O.A. No.1373/1999.

4. The increments drawn by the respondent as temporary status casual labourer is liable to be reckoned for fixing his pay on regularisation, as the said career cannot be effaced. In spite of the fact that the said legal position has been reiterated in various decisions, the petitioners have chosen to reduce the pay of the respondent when he was regularised as a Group D. This action is clearly arbitrary. We see no reason to interfere with the order of the Tribunal. At any rate, the view taken by the Tribunal only follows the views taken in earlier orders as affirmed by this court in various judgments and hence is not perverse warranting any interference in a writ petition

under Article 227 of the Constitution of India.

Therefore, the writ petition fails. It is accordingly dismissed.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)